

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional)  MIS-P-104							
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature _____ <b>Filed Electronically</b></p> <p>Typed or printed name _____</p>		<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 50%; padding: 5px;">Application Number  09/981,653</td><td style="width: 50%; padding: 5px;">Filed  October 18, 2001</td></tr><tr><td colspan="2" style="padding: 5px;">First Named Inventor  David K. Howington</td></tr><tr><td style="padding: 5px;">Art Unit  3622</td><td style="padding: 5px;">Examiner  Daniel Lastra</td></tr></table>		Application Number  09/981,653	Filed  October 18, 2001	First Named Inventor  David K. Howington		Art Unit  3622	Examiner  Daniel Lastra
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Art Unit  3622	Examiner  Daniel Lastra								
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>									
<p>I am the</p> <table style="width: 100%;"><tr><td style="width: 50%; vertical-align: top;"><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>31,988</u></p><p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p></td><td style="width: 50%; vertical-align: top; padding-left: 20px;"><p>_____ /Brian D Ogonowsky/ Signature</p><p>_____ Brian D. Ogonowsky Typed or printed name</p><p>_____ (408) 382-0480 Telephone number</p><p>_____ 04/13/2007 Date</p></td></tr></table>		<p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>31,988</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>	<p>_____ /Brian D Ogonowsky/ Signature</p> <p>_____ Brian D. Ogonowsky Typed or printed name</p> <p>_____ (408) 382-0480 Telephone number</p> <p>_____ 04/13/2007 Date</p>						
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<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>									
<p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>									

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David K. Howington  
Assignee: Atronic International GmbH (reassigned)  
Title: System And Method For Casino Management  
Serial No.: 09/981,653 Filing Date: October 18, 2001  
Examiner: Daniel Lastra Group Art Unit: 3622  
Docket No.: M-12592 (changed to MIS-P-104)

San Jose, California  
April 13, 2007

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Dear Commissioner:

Applicant requests review of the final office action, dated December 1, 2006, and the Advisory Action, dated April 2, 2007, on the above-identified case.

Claims 7 and 9-31 are currently pending. Claims 7, 16, 17, 19, 20, and 26 are independent and have a common claim element, which is the focus of the below discussion.

**Brief Description of Invention**

It is conventional that a casino assigns a number on a “placard” to each slot machine, and the placard is affixed to the machine. The placard number can take any form compatible with the casino’s database system, since the placard number is used by the casino to identify the particular machine. The placard number may also be created by the casino using an accepted standard. The prior art casino database could recall the performance data on a slot machine by the computer operator entering the placard number into a computer via a keyboard. The data on a slot machine typically includes its current location in the casino, the manufacturer’s code (serial number) for the machine, and the financial data such as coins in

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and out, etc. If the placard was removed from a first machine and put on a second machine, there is no way the past history of the first machine could be found (page 3, last 6 lines of specification).

The Applicant is not aware of any prior art system for casino management that could display the performance data of any slot machine that is currently at a certain location **and** that was previously at that same location by simply entering the casino floor location code.

With Applicant's computer program, for example, the location code in a casino can be entered into the computer, and the identification of every slot machine that had occupied that location is displayed (Fig. 4, sub-window 410). The performance of every machine at that location can then be analyzed by the click of a button. This enables the casino to select the best slot machine for a particular location to generate the highest revenue.

All independent Claims 7, 16, 17, 19, 20, and 26 have a limitation similar to the following: "entering a location identifier into the database generates a report identifying machines that have been located at the location corresponding to the location identifier."

All the claims are specifically limited to tracking the history of gaming machines within a casino. Casino management systems are highly customized for their application.

The examiner rejected Claims 7-16, 19-23, and 26-29 as being obvious over the combination of the Background of the Invention section, Blad (US Pub. 2001/0048374), and Moore (US 7,084,737).

The Background of the Invention section of the application is basically summarized above. The casinos monitor a slot machine's financial performance using a remote monitoring system. The placard number of the machine to be monitored is entered into the database, and the machine's performance data is displayed to the operator. There is no simple way to track the performances of all slot machines that have occupied the same location on the casino floor using the prior art casino management databases, as described in the specification at the bottom of page 3 and top of page 4.

The examiner cites **Blad** for its teaching of monitoring coin-operated machines using a remote computer and codes associated with each machine. Applicant acknowledges that it is prior art for slot machines to transmit performance data to a central server. However, neither

Blad nor the Background of the Invention suggests that a location identifier may be used to identify all slot machines that have occupied that same location in a casino. Blad is unconcerned about the past physical location of the machine. In the Advisory Action, the examiner cited to Blad's paragraphs 0049-0050 for teaching how users can access the Blad database via the Internet and query and filter raw data to obtain information about the machines. The examiner contends that this information would include information that would allow the user to easily identify all the coin-operated machines that have occupied the same location. The pertinent portions of Blad's paragraphs 0049-0050 state:

Central site 112 also includes a web server 120 which runs active queries on the data within database 118 and posts the results of the queries on a secure web page 122 for viewing by authorized individuals. ... Web page 122 may be designed for either passive mode (i.e., the user can only view data) or active mode wherein the user may change filters, structure queries, or otherwise manipulate the data present on web page 122. Ideally, web page 122 should be designed so that a user may view data for either individual coin-operated machines 102, or for a plurality of coin-operated machines 102.

The "data" within the Blad database (at the "central site 112") is the data automatically generated and transmitted by the coin-operated machines, not the current and past locations of the machines, since the machines themselves do not know where they are. Paragraph 0047 states that the "data typically contains a machine ID, a time stamp, coin drop information, or other similar information from the remote coin-operated machines 102...." Nowhere is it suggested in Blad that current and past locations of the machines are stored in the database and can be easily accessed using the database to allow someone to just enter a location and see all the machines that have occupied that same location so the respective performances of the machines can be compared to each other.

The examiner cites **Moore** for its teaching of using a GPS locator on vending machines to track their locations. Moore is directed to vending machines that vend products. A customer selects a desired product at a first vending machine. If the desired product is depleted in the first vending machine, the Moore system automatically determines the closest vending machine that has the desired product and conveys the location to the customer so the customer can then travel to the other vending machine to buy the product. The examiner cites to sections of Moore showing that Moore tracks the present locations of vending machines.

The examiner essentially stated that it would be obvious to track the locations of the Blad machines, as taught by Moore, and then to allow the users to selectively filter the data collected from the machines to easily identify all machines that have occupied a particular location. Applicant responds that this modification to Blad would require that each of the Blad machines include a GPS locator to transmit its current location to the database, where the database then keeps a permanent record of all the past and current locations of each machine while allowing the user to simply enter a location into the database to easily find out all the machines that have occupied a certain single location.

There is no suggestion for the above-mentioned modification of the Blad system. Blad himself saw no reason for the data at the central site 112, accessible by the user, to include even the current location of the machine. Moore is **only** concerned about the current locations of the vending machines and would not logically enable one to easily find all the vending machines that have occupied the same location, since that would be irrelevant.

One aspect of the invention is the nonobvious realization that it is valuable to a casino to be easily able to identify all slot machines that have occupied a particular location. Such a function is not provided by the prior art casino management systems.

It is respectfully submitted that the combination of the Blad and Moore systems would only be concerned with the **present** locations of the machines, and any database used by a modified Blad system would not enable the user to easily identify all machines that have occupied the same location. There is no motivation provided by Blad and Moore for a database that identifies all the machines that have previously occupied a location by entering the desired location into the database. Further, the Moore invention is unrelated to slot machines since it is directed to telling the customer where the closest product can be found when the first vending machine is out of the product. That is the only purpose for Moore monitoring the present locations of the machines. The examiner is using impermissible hindsight in identifying one aspect of Moore, out of context, and using it to modify other prior art in an attempt to piece together Applicant's claims. Nevertheless, even when all the prior art are combined, the most that is achieved is a way to identify the **current** machine at a particular location.

The examiner is reminded that casino tracking databases are highly customized and directed to monitoring the present performance of many different types of slot machines at

their **current** locations. It is not obvious to add the claimed feature to the casino tracking systems since it is unrelated to monitoring **present** performance. Since Applicant's inventions provide a new function which is not suggested by the prior art combination, it could not be obvious to modify the prior art combination to provide the new function.

Accordingly, it is respectfully submitted that all pending claims are allowable. If the Examiner has any questions, the Examiner is requested to call the undersigned at 408-382-0480 x202.

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/Brian D Ogonowsky/  
Attorney for Applicant(s)

April 13, 2007  
Date of Signature

Respectfully submitted,

/Brian D Ogonowsky/

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